App F IX 4

Previous References
C M 84-52-3

195 52-53
(C M)

File No 84-52

Serial Nos 5

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos ~~One~~

Part B for Jan 53

SUBJECT

Arrears of Mohatharfa Taxes due in respect of the Railway Buildings at Mysore city and Mysore ~~B~~ South

WD 014 5—GPB—25 000—1 9 1952

~~Orders~~ vide cunked file No 17102/c M 84-52-

by 5-1-53

P29
1

GENERAL AND REVENUE SECRETARIAT

( )

NOTES

File No

TITLE HEADING

Arrears of Malanfa Cases due in respect of the Railway Godowns at Mysore City and Mysore Section

FROM The Municipal Commr, Mysore & Co Municipality

No R1-PR 19/50 Dated 8-5-51 Received

Diary No 1116/2nd | Enclos | Spare copies | Serial No

BRIEF ABSTRACT OF LETTER

Requests Co to take up the question of Settlement of the above arrears with the Railway authorities

NOTES AND ORDERS

The claims of the Municipality are Statute barred under the authority of Govt no 426-43/Rev F 80-4-38 39 dated 8 8 38 and the Govt claims of the Railways against the Municipality on account of Govt no R 813-16/Rev F 809/48-49 dated 4 8 48

2) A draft letter to the Municipal Commr Mysore enclg Govt copies of the G O s referred to above is put up for approval

Rec 19/5/51 L 1895/07 28 5 51 Issue MS

Cus A 22/5 3) Issue MS 24/5

NOTES—First Sheet

WD 01086 —GPB—20 000—2 8-50

Arrears of Mohalarfa tax due on Railway Tenderage

File No 2396/me of 1951-52 | General and Revenue Secretariat

From
The Municipal Council, Mysore
No R1 P R 19/50 Of 2.7.51,
Forwards G.O. dated 4.8.48 and
a copy of the award passed by Sri
Keshavanagar at Oct Mysore &c.

—

4) G.O. dated 8.8.1938 is stated
to be not readily available in the Municipal
office. This G.O. and the other G.Os referred
to in the award passed by Sri B.T.
Keshavanagar are necessary for a full
appreciation of the position
5) A draft letter to the General Manager,
Southern Railways Mysore calling for
copies of these & put up for approval
or other orders

Date 13/7/51

To
The General Manager Southern Railway
Mysore
L 3787/1951
Calls for the copies of the G.Os.

Sri A
(Mysore Div)

From
The Municipal Council, Mysore &c
No C2 P R 48/51-52 Of 2/7/51
Requests to address the Railway not
to claim exemption from tax consequent
on the amalgamation of the Railways

4121/ml

Mr Malaviya Tax on Railway Assts at Kolar

Years April 58

5 The Municipal Commrs Report is for perusal The question of levy of tax on the Railway property at the Cantonment Railway Station Vide remarks the relegation of Railways has been referred to the Law Secretariat for opinion as to the legality of the levy what applies to the ~~proper~~ Railway properties at the Cantonment Station applies to Mysore city also Hence the decision on the other file Referred to are to be awaited

Reg 17/10/58) the file has been received today & put up

18/10/58

7) The file is put up for final decision as yet taken This question may therefore await orders on the enacted Act

yes

2/11/58

3/11

3/11/58

B under cover file No 17102/c M-84-52-3
95-1-53

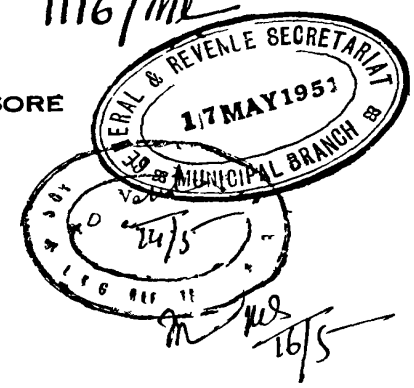
N R1 M 1950
Emts Sup

CITY MUNICIPAL COUNCIL
Mysore Dated 8th May, 1951

FROM

THE MUNICIPAL COMMISSIONER
CITY MUNICIPAL COUNCIL
MYSORE

1116/ML



To

The Secretary to Government
L S G ~~Xxx~~ ~~Xxx~~ Department
Bangalore

(Through the President)

Sir

Re - Arrears of Mohatarfa taxes due in respect of the Railway Buildings at Mysore City and Mysore South

---

nas

In inviting kind reference to G O No R 813-16/Ry F 809/48-49 dated 4-8-1948 sanctioning the payment of the marginally* noted arrears bills relating to the above submitted by the General Manager, Mysore State Railways I write to state that the Railway Department has not so far cleared the arrears and the balance at the end of 1950-51 stood as follows -

Railway Buildings in Mysore South	Rs 32 367-7-0
New Railway Central Offices	Rs 17 512-0-0

(1) Railway Buildings at Mysore South

Arrears up to end of 46-47 as sanctioned in G O of 4-8-48	Rs 32 367-7-0
Demand for 47-48 to 50-51	Rs 19 395-7-3
Total	Rs 51 762-14-3
Amount paid by the Railways so far	Rs 12 586-15-11
Balance	Rs 39 175-14- 4

(2) Central Railway Office

Balance to end of 46-47 as per G O of 4-8-1948	Rs 17 512- 0- 0
Balance of arrears due as per office accounts from 2nd half year of 1937-38 to 1946-47	Rs 228- 3- 0
-do- from 1926-27 to 1937-38 (1st half year)	Rs 8 454- 8-10

Demand fo 1947-48 to 1950-51	28 158- 8- 6
Total	54 158- 4- 4
Amount paid by the Railways so far	42 890-10- 0
Balance	11 262-10- 4

The arrears payments sanctioned by Government in accordance with the award passed by the Deputy Commissioner, Mysore who was appointed as adjudicator in conformity with the terms of G O No 426-40/Ry F 80-4-38-39 dated 8-8-1938 His decision was binding both on the Municipality and the Railways subject to review by Government After this decision the General Manager, Mysore Railways sought sanction of Government for payment of arrear bills and Government sanction was accorded in the G O of 4-8-1948 referred to above After the verdict of the adjudicator and the final orders of Government thereon, the Railway Department needlessly deferred payment instead of implementing the terms of G O of 4-8-1948 and put forward a counter-claim on the Municipality to the tune of Rs 1,14,609-0-0 for alleged non provision of Municipal amenities in letter No G 8143-Fl 102 dated 11-1-1950 of the Chief Engineer, Mysore Railways (copy enclosed)

In the D O letter No / 47 dated 26-7-1949 (copy enclosed), the General Manager, Mysore Railways assured me that he was authorising the Chief Auditor to pass the arrear claims of the Municipality sanctioned in G O No RS 813-16/RYF 809-48-49 dated 4th August 1948 after deducting the sum of Rs 1747-10-0 on account of lighting charges paid by the Railways to which the Municipality was agreeable In that letter he added that the Railway Department would prefer counter claims separately in due course The Railway Department did not, however, pay the arrears claims as promised by the General Manager He was further reminded and in his letter No / 13839 dated 25-1-1950 (copy enclosed) he wrote to say that he had authorised the Chief Engineer, Mysore Railways, to arrange for the expeditious payment of the bills reserving the right to prefer

counter claims of the Railways against the Municipality

revised bill was also called for from the Municipality reducing the claim in the light of G O No 8-8-38 (vide letter No G 6445/F1 50 dated 2-12-1949 from the Chief Engineer Mysore Railways Recourse to arbitration had to be resorted to in the terms of the same G O of 8-8-1938 and all the issues connected with the case were discussed threadbare before a final decision was arrived at Government also could not have been unaware of the G O of 8-8-1938 at the time they passed their orders of 4-8-1948 The grounds on which the Railways have preferred counterclaims which are under examination separately, are disputable Certain particulars were called for from the Railway Department to facilitate examination of their counter claims A copy of my letter No R 2776-77/50 dated 12-10-1950 requesting for the particulars is enclosed herewith The Railway Department has not furnished the particulars yet There is no justification whatever for the Department withholding payment of the amounts sanctioned by Government in the G O dated 4-8-1948

In reply to a D O letter No L 461 dated 14-4-50 from the Assistant Secretary to Government L S G Department to the General Manager the latter in his reply No A 42 dated 19-4-1950 has stated that he has urged the Chief Engineer to pay the arrears due to this Municipality

A sum of Rs 12,586-15-11 in the case of Railway Buildings Mysore South and a sum of Rs 42 890-10-0 in respect of Railway Central Offices have so far been received The claim of the Municipality has been reduced by Rs 39,175-14-4 (Mysore South) and Rs 11 262-10-4 (Railway Central Offices) on account of the alleged

non p ovision of drainage and sanitary arrangements

To facilitate exchange of views and to understand the difficulties if any, that stood in the way of the settlement of the claims a meeting was held on 6-10-1950 wherein the Chief Engineer and District Engineer Mysore Railways were present It was agreed by the Chief Engineer that payment would be arranged without waiting for the settlement of the counterclaims against the Municipality (vide copy of the minutes of the meeting enclosed for kind reference) No arrangements have, however been made so far for the payment of the arrears though reminded by means of a D O letter No RL PR 19/50 dated 15-12-1950

The above facts have been brought to the notice of the Government for favour of taking up the matter with the Railway Department and arranging payment of the heavy arrears due to the Municipality

Yours faithfully,

Municipal Commissioner

snr

Copy of letter No G 8143 FI 102 dated 11th January 50 from the Chief Engineer Railway Mysore to the Municipal Commissioner, City Municipal Council, Mysore

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Re - Mohatarfa taxes on Railway Buildings in Mysore South Counter claims against the Mysore city Municipality

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In continuation of this office letter No G 6445 dated 2-12-49, I have the honour to state that the counter claims against the Municipality come under the following catagories -

1 Sanitation staff maintained by Railway

The Municipality did not take over the sanitation work from the Railway Department immediately the Central Workshops area came under their limits in 1941 The Sanitation staff for the Central Workshops Colony was continued by the Loco Department and the amount paid by the Railway from 27th January, 1941, to August 1949 works out to Rs 40,008-5-0 as furnished by Loco and Carr Superintendent, Mysore State Railway Mysore The Municipality had not arranged for the sanitation though the area was brought under Municipal limits The Loco and Carr Superintendent informs that he had no information that Mysore South Colony was taken into Municipal limits till recently and hence, they made no reference to Municipality regarding sanitation

Wages of Sweepers Nos 12, Cartmen, 50% wages of sanitary Mistry, wages of leave substitutes, etc , including supplemental claims - Rs 40,008-5-0

This amount as well as the wages of these men from 1-9-49 to the date the work is taken over by the Municipality will have to be borne by them

2 Street lighting The Municipality have agreed for the adjustment of Rs 1747-10-0 paid by the Railway Department (Controller of Stores, Mysore State Railway, Mysore) on account of street lighting charges from 1941 This is to be deducted from the arrears of taxes claimed by the Municipality The question now remains as to how much amount is due by the Municipality towards the original cost of the street lights provided by the Railway Department The lights have been in service for twenty years and the present depreciated value of the 22 lights may be taken as Rs 1,100/- at Rs 50/- each light and this amount is refundable by the Municipality

3 Water charges

The workshop area derive water from the elevated tank in Central Workshops which in turn is fed by a main from the Jewell Filters Supply of water to the tank is metered The Loco and Carr Superintendent has intimated that a sum of Rs 92,660-4-0 has been paid as water charges for the period 27-1-41 to end of November 1948 at Re. 1 1/- per 1000 gallons Out of this amount, the Workshop account has been debited with Rs 13219/- and the balance Rs 79441-4-0 has been allocated to Quarters account in the ratio of 1 6 The Quarters in the Central Workshops area are all small buildings whose annual rental value is less than Rs 200/- each except one and only flat rate water charges at Rs 5/- per building per annum is leviable with unrestricted consumption The water tax that would be payable on the 132 quarters including new labour Colony for the period 27-1-41 to end of 1948 will work out to Rs 5940/- and against this sum of Rs 79441-4-0 has been paid for the period 27-1-41 to end of November, 1948 Hence, the Municipality will have to pay back Rs 79,441-4-0

minus Rs 5940/- ie , Rs 73,501-4-0 The proportion of 1 6 of water consumption between Railway Workshops and Colony was based by the Loco Department on the average consumption as seen by the independent meters prior to 1940

Prorata on this basis will have to be refunded by the Municipality for further period till the Municipality arranges to supply water direct to the Quarters The Original capital cost of the pipe line from Jewell Filters to Workshops is not available The pipe line has been in service for nearly 20 years and as the pipe line feeds the Railway Workshop also, I am of opinion that no amount need be recovered from the Municipality on this account

4 Repairs to Roads The roads in Central Workshops area as in other areas maintained by the Municipality are in bad state of repairs It is seen that a sum of Rs 1120/- has been spent for repairs to roads in the Central Worksnops Colony area during the period 1941 January to June 1948 These repairs are of minornature perhaps carried out due to the visit of important personages and if the Municipality had taken over the maintenance of roads the Railway Department would not have undertaken these repairs In the ordinary course, the Municipality should have been asked to attend the repairs and or at least they should have been intimated that the repairs arebeing done by the Railway due to urgency but the cost has to be borne by the Municipality But as no such action was taken it is not correct to ask for refund of this account

Summing up the counter claims aainst the Municipality works out to

1	Sanitary (Labour charges)	Rs 40008-5-0
2	Depreciated cost of 22 street lights	1100-0-0
3	Water charges paid recoverable	73501-4-0
	Total	1,14,609-9-0

Out claim against the Municipality is Rs 1,14,609-9-0 and I request you, kindly to arrange for an expediciout disposal of this long pending question

Favour of very early action is requested

Copy

PSY

Municipal Commissioner

Copy of D D letter o A 47 dated 26th July 1949 from the General Manager, Mysore State Railway, Mysore to the Municipal Commissioner, City Municipality, Mysore

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Arrears of Lighting taxes due on Railway Buildings

Adverting to our D O letter No R1.32-471/45-4C dated 14th ~~instant~~, instant, I am in general agreement with your views expressed therein I understand from Sri S Rajagopal, District Engineer, Mysore, who discussed the subject with you on Monday the 11th instant, that you were agreeable for a deduction of the excess payment of Rs 1068-9-7, made by us towards house taxes for the years 1938-39 to 1946-47 subject to verification by our Chief Auditor It is also seen from your Municipal President's letter No C3 P 1138/32 dated 2-6-49 addressed to the General Secretary to Government that the Municipality is agreeable for an adjustment of Rs 1,747-10-0 due to the Railway Department on account of lighting charges paid by deduction from the arrears to be paid by us now

Accordingly I am authorising the Chief Auditor to pass the arrears claims of the Municipality sanctioned in G O No RS 813-16 dated 4th August 48 after making the necessary deductions on account of the items referred to above

As the settlement of this question has been delayed on account of the counter claims of this Department on the Municipality, it may kindly be noted that this Department reserves the right to prefer those claims separately in due course with full particulars relating thereto

---

Copy

for Municipal Commissioner

PSK

Copy of letter No. [illegible] 13869 dated 25th January 1950, from the General Manager Mysore State Railways, Mysore, to the Municipal Commissioner, Mysore

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Arrears of Molatarfa taxes in respect of the [illegible] Railway buildings

---

With reference to your letter No. [illegible] 2775- 7 of 11-1-1950 on the above subject, I wish to state that necessary instructions have been issued to the Chief Engineer, Mysore, to arrange for expeditious payment of the bills reserving the right to prefer the counter claims of the Railways against the Municipality for the disputed items.

Copy

Municipal Commissioner

Copy of letter No G 6445/F1 50 dated 2nd December 49 from the Chief Engineer of Mysore, Bangalore to the Municipal Commissioner, City Municipal Council, Mysore

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Subject - Lohatarfa taxes on Railway Buildings at Mysore South

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With reference to your letter No R A 2775-75/ dated 10-11-49 on the above subject, I write to state that the Revenue Officer, city Municipal Council, Mysore, has been addressed by the District Engineer, Mysore Vide his letter dated 21-11-49 (copy enclosed) to send a revised claim duly reducing the taxes in the light of Government Order dated 8-8-1938 as the amenities noted therein have not been provided - by the Municipality

Reply from the Revenue Officer is awaited and further action will be taken in the matter on receipt of same

---

Copy

Municipal Commissioner

PSY

Copy of letter No R4 R 2776-77/50 dated 12-10-50 from the Municipal Commissioner, City Municipality, Mysore to the Chief Engineer, Mysore State Railways, Mysore

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Subject - Sanitary taxes due on Railway Buildings in Mysore South

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With reference to your letter No G 8143/F1 102 dated 11th January 1950 on the above subject and to the discussion we had in my chambers on the 6th October 1950, I have the honour to request you kindly to furnish particulars on the following points for facilitating examination of the counter claims made by the Railways

1 Sanitation

1 The authority under which the Railways made their own sanitary arrangements even after Mysore South was included within the limits of the municipality may please be furnished

2 It may kindly be intimated whether the Municipality pleaded inability or failed to make the sanitary arrangements Copies of correspondence if any with the Municipality in this matter may kindly be sent

3 It may kindly be intimated if it was at any time before brought to the notice of the Municipality that sanitation arrangements had not been made by them and that the Railways had made their own arrangements

4 The number of houses and the number of people occupying the Railway colony in Mysore South, from 1941 may kindly be furnished

5 Full details of the pay and allowances paid to the Sweepers and cartmen for looking after the sanitation arrangements may kindly be furnished

6 It may kindly be intimated why the counter-claims weree not preferred all these years

11 Street lighting -

1 The year in which these lights were installed, and

and whether the capital cost of these lights was borne by the Railways or by the Electric Department may kindly be intimated

2 The basis on which the depreciated value of Rs 1100/- has been claimed on account of these lights may kindly be intimated

111 Water charges.

1 The authority under which the water supplied by the Municipality to the Railway workshop is proposed to be allocated between the quarters and the workshop in the ratio of 1 6 may kindly be intimated

2 The arrangements made by the Railways to gauge the quantity of water consumed by the workshop and by the quarters every da may kindly be intimated

3 The number of houses in the workshop area, the number of families occupying the houses and the number of persons in each family (men, women and children) may kindly be furnished, for each year

4 It may kindly be intimated whether the Municipality was informed at any time before that such a distribution of water for domestic and non-domestic purposes was being made by the Railways and that the Railways were liable only for the payment of water charges on account of the consumption in the workshop

5 It may kindly be intimated why these counterclaims were not preferred all these years

---

C o p y

for Municipal Commissioner

PSK

Minutes of the meeting held in the chambers of the Municipal Commissioner on Thursday the 6th October 1950 to consider the arrears of Mohatarfa taxes due on railway buildings

Present

1 Sri C Narasimha Moorty (Municipal Commissioner)
2. Sri C Narayanaswamy Setty, Chief Engineer for Railways
3 Sri S Venkataramanan, District Engineer, Mysore Railways
4 Sri K S Srikantaiah, Audit Superintendent, City Municipality, Mysore
5 Sri T Rama Rao, Revenue Officer, City Municipality, Mysore

1 Arrears in respect of the Central Railway Offices

The Municipal Commissioner informed the Chief Engineer for Mysore Railways that a sum of Rs 8254-8-10 being the arrears of taxes from 1926 -27 to the end of December 1937 on the Railway Office buildings was outstanding still, although bills had been sent repeatedly The Chief Engineer requested that this need not be mixed up with the claims to which G O No RS 813-16 RYT 80 of 48-49 dated 4-8-1948 refers and that a separate communication may be sent to the Railway department regarding the old arrears It was agreed that a separate reference in respect of the arrears from 26-27 to end of December 1937 may be made separately to the Railway Department, and the Revenue Officer was requested to take necessary action in the matter The Chief Engineer for Mysore Railways stated that this question would be looked into as quickly as possible

The Revenue Officer was further requested to address the Railway Department regarding the taxes due from the Railway Department ~~xx~~ for the year 1947-48 and 48-49

11 The arrears of mohatarfa taxes in respect of the buildings in Mysore South, Mysore City

The Municipal Commissioner pointed out to the Chief Engineer that the Railway Department had passed for payment only 1/3 of the claims made by the Municipality in respect of taxes due on Railway buildings in Mysore South The Chief Engineer stated that 2/3 claim had been disallowed as the

the Municipality had not provided amenities such as sanitation, roads, etc , in the Mysore South The Municipal Commissioner invited reference to the assurances given by the General Manager in his letters Nos. A47 and A 13839 dated 26-7-49 and 25-1-50 respectively that the taxes claimed by the Municipality would be arranged to be paid, provided the Municipality would examine the claims of the railways on account of the non-provision of ~~certain~~ certain amenities The Municipal Commissioner stated that the General Manager had agreed that the settlement of the counter claims made by the Railways would not be made a condition precedent to the payment of the taxes claimed by the Municipality The Municipal Commissioner requested that the taxes claimed may be paid as already agreed to by the General Manager and assured that the counter-claims preferred by the Railways would be examined expeditiously and that if the claims were found tenable they would be placed before the Municipal council for acceptance In this assurance the Chief Engineer agreed that he would obtain the approval of the General Manager and arrange payment of the taxes due in respect of Railway buildings in Mysore South

The Municipal Commissioner stated that certain further particulars in respect of the counter-claims preferred by The Railway would be necessary and that the information required would be called for and requested that it might be furnished as early as possible, to facilitate examination of the counter-claims

It was finally agreed that the Chief Engineer would arrange payment of the claims of the Municipality without waiting for the settlement of the counter-claims preferred by the Railways on the assurance of the Municipal Commissioner that the counter-claims would be examined and dealt with as expeditiously as possible

The evenue Officer is requested to send a bill for the balance of the payment due from the Railways with particulars for each year

Sd C Narasimha Moorty,
Municipal Commissioner

Copy forwarded with compliments to the Chief Engineer Mysore State Railways, for information and favour of necessary action

Copy with compliments to the District Engineer, Mysore Railways, for information

Copy to the Revenue Officer, City Municipality, Mysore He is requested to

1 to send a bill to the Chief Engineer for Mysore Railways for the balance of payment due to the Municipality for each year

2 to send a separate bill in respect of the arrears due for the years 1926-27 to end of December 37

Copy to the Auditor, City Municipality, Mysore for information

Sd C Narasimha Moorty,
Municipal Commissioner

Copy

Municipal Commissioner

PSK

Appendix F G —1]

SUBJECT Arrears of Mohatarfa taxes due in Respect of the Railway Buildings at Mysore city and Mysore South

Section

File No

Serial No

No A 1895 378/57

Diary No of letter replied to

To

The Municipal Commr
Mysore city Municipality
(through the president)

General and Revenue Secretariat

( )

the 19

Sir

With Reference to your
letter no R I P R 19/50 dated
8-5-51 on the above subject,
I am directed to request you
kindly to send Copies of Govt
no 4326-43/Rev F 80-4-38-39
dated 8-9-38 and no R 813-16
Rev F 809/40 47 dated 4-8-48
ready
for Reference immediately

Yours faithfully
MS 24/5
Asst Secy
19/5/51

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 010850—GPB- 25 000—17 7 50

No R 1 & M 19/50
Encls Four

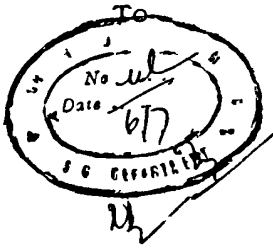
CITY MUNICIPAL COUNCIL
Mysore Dated 2-7-1951

FROM

THE MUNICIPAL COMMISSIONER
CITY MUNICIPAL COUNCIL
MYSORE

M D 9/7

To



The Secretary to Government,
L S G Department, Bangalore.
(Through the President)

Sir,

Arrears of Mohatarfa Taxes due on Railway Buildings

With reference to your letter No L 1895 dated 28-5-1951 requesting to send copies of Government orders of 8-8-38 and 4-8-1948 regarding the above noted subject, I send herewith a copy of G O No R 813-16/ Ry F 809/48-49 dated 4th August 1948 and G O No 426-43/Ry F 80-4--38-39 dated 8th August 1938 is not readily traceable in this office However, a copy of the award passed by Sri B T Keshava Iyengar is enclosed herewith for ready reference

I send herewith a copy of letter No A/102/7 dated 11-6-1951 received from the District Engineer, Southern Railways Mysore - stating that the bills would be paid under protest and also copy of reply sent thereto for kind information of the Government

Yours faithfully,

Municipal Commissioner

Forwarded with compliments,

T Narasimha Iyengar
President

PSK

Office of the Deputy Commissioner,
Mysore District
Dated, Mysore the 1st April 1936

Award under Section 117 of the Mysore Railway Regulation

I have discussed the subject of assessing Railway buildings in Mysore to Municipal taxes with the President of the City Municipality and the Executive Engineer, Mysore Railways The written statements furnished by both parties are in the file According to the list furnished by the President, City Municipality, there are 269 units for which taxes have been imposed by the Municipality The Municipality has imposed Building tax on 163 units on the basis of the rental value calculated at 8/12 of 7% of the capital cost of each building in accordance with Government Order No P W 1157-1223-755-6821 dated 5th November 1930 In the case of 77 units, rental value has been fixed on the minimum of Rs 100/- per unit in view of the fact that these units have water connection, although the rental value based on capital cost would be less In respect of the remaining 29 units, for which capital cost could not be readily ascertained the Municipality have based their taxation on general principles

The main contention of the Railway Department is that the basis of 7% on capital cost adopted by the Municipality does not apply to Railway buildings which are of a special class, and that the basis of taxation in respect of these buildings should be governed by Standing Orders of Government specifically applicable to Railway buildings My attention has been drawn to Government Order No R S 342-44/Ry F 249 G 25-26 dated 12-8-1925 and G O No R S 781-83/Ry F 30-0 L 26-27 dated 3-11-1926 on the basis of the latter Order, the Railway Department claim to be assessed on rental value calculated at 4% of the capital cost of the buildings in question It is further urged that the taxation should be made to depend on the actual realization of rent as per G O No L 1753-5/M1 353-89-2 dated 1-9-1930 It is also contended that as a matter of fact the Railway Department is not realising even the above mentioned 4% as rent from their buildings I have considered the matter carefully and feel that the position as regards

regards liability of Railway buildings to taxation has not been properly appreciated by the Executive Engineer, Mysore Railways From a careful perusal of Government Order dated 3-11-1926 it clearly appears that that order was not intended so much to govern principles of local taxation as a measure of relief to the employees of the Department Further, I cannot understand, how, when the Railway Department rely on Standing orders applicable exclusively to their Department, they can claim the benefit of a general order applicable to residential quarters under the control of the public works department Further general ~~ex~~ orders relating to residential buildings constructed from public funds cannot be ~~relied~~ applied on all fours to the assessment of buildings belonging to Quasi-Commercial Departments

Examining the actual state of things, it is seen that there is not very much of a wide difference between the assessment proposed bythe Municipality and that acceptable to the Railway Department According to the calculations of the Municipality, general assessment of 9% on rental value comes to Rs 4122/- while according to the claim of the Railway Department it should not exceed Rs 3541/- the difference being Rs 581/- Taking into consideration the fact that other Government buildings used for commercial purposes are being taxed on the general basis of 7% of capital cost and that the special order relied on by the Railway Department is one which was intended more or less as concession to Railway employees, it seems to me that it is only fair that the basis of taxation in this case should be the same as in the case of silk Factory, the Sandal Oil Factor and the Electrical Department In view of the above circumstances, I consider that the Railway Department should pay a building tax of Rs. 4000/- per year making due allowance for certain buildings of a public character such as the A V School, Dispensary and Police Station which serve the needs not

not only of the Railway Colony but also of the residents in Vani Vilas Mohalla I accordingly award that in respect of the 269 units included in the list of Railway buildings, general taxation at 9% of the rental value be fixed at a lump sum of Rs 4000/- per year

4 As regards levy of Flat rate and non domestic water supply charges, it is to be noted that no question arises in the case of non domestic connections as the charges are based on meter-readings, the propriety of which cannot be questioned

5 As regards Flat rate on other buildings, the levy will be regulated with reference to the rental value of the buildings in question as fixed for purposes of general taxation It should however be observed in this connection that the Railway Department would be in a position to secure a reduction of taxation if house connections in respect of the 77 units whose taxation has been based on a rental value of Rs 100/- are removed, when there would be savings both under general taxes as well as under Flat rate But so long as the water connections are maintained to these units, neither the levy of Flat rate nor the enhanced assessment assumed therefor can be questioned

6 The levy of drainage cess of ½% is limited only to those cases where drainage facilities exist The levy is on 31 units and amounts to Rs 20-8-0 This will be retained and calls for no interference

7 The levy of special Sanitary Cess, when once sanctioned by Government allows no room for any exemptions (vide Section 64 C1 (b) (Viii) and proviso (a) Even buildings belonging to Government exempt from general taxes, are not exempt from the levy of this cess The fact that the Railway Department are in a position to make thier own arrangements for the maintenance of their latrines and for the removal and disposal

disposal of refuse cannot be a ground for exemption when the Municipal Council have framed no rules for recognising such exemptions The amount of cess claimed by the Municipality based on rates sanctioned by Government should hold good But as per Cl (4) Section 117 of the Mysore Railways Regulation it is open to the Railway Department to enter into a contract with the Municipality in regard to this levy, and till this is done, the levy cannot be waived

8 Lastly as regards the plea of the Railway Department that the arrears of taxes due prior to July 1935 should be waived, I have to state that this question does not come within the purview of this award This is purely a matter of adjustment of accounts between the two Departments and a settlement has to be arrived at by mutual agreement

Sd B T Keshavaiyengar

Deputy Commissioner,
Mysore District

Copy

Municipal Commissioner.

Citv Municipal Office,

Mysore Dated 27th June 51

From

The Municipal Commissioner,
City Municipality, Mysore
Mysore

To

The District Engineer,
Southern Railways, Mysore

Sir,

Mohatarfa taxes due on Railway Buildings at Mysore and Mysore South

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With reference to your letter No A/102/7 dated 11-6-51 requesting for sending consolidated bills for Mohatarfa taxes due up to end of March 1950, in respect of Buildings at Mysore (Central) and Mysore South etc , I write to forward herewith three bills in duplicate as detailed below - for a sum of Rs 44,173-15-7 and to request that arrangements may kindly be made for adjustment of the amount immediately

Yours faithfully,

Sd C Narasimha Moorty,

Municipal Commissioner

1) Bill No R4 G B 10 for Rs 34,557-14-10 in respect of Buildings at Mysore South

2) Bill No R5 G B 10 for Rs 8178-7-10 in respect of Railway Central Offices relating to the period prior to Award

3) Bill No R5 G B 10 for Rs 1737-8-11 in respect of the Central Railway Offices based on the two awards (of 1938-1948)

Copy

Municipal Commissioner

Letter No A/10647 dated 11-6-1951 from the District Engineer Southern Railway Mysore to the Municipal Commissioner City Municipality Mysore

---

Conservancy taxes due on Railway buildings at Mysore and Mysore South

---

Referring to correspondence ending with your letter no nil dated 8th May 1951 to the Secretary to Government Local Self-Government Department Bangalore, copied to me under your memo No R1-PR 19/50 dated 8th May 1951 I request you kindly to send a consolidated bill up to 31st March 1950 including arrears with full details based on the award in respect of buildings in Mysore to enable this office to arrange payment after verification

As regards taxes for buildings in Mysore South a similar consolidated bill up to 31st March 1950 with full details may be sent early for arranging payment after verification

The bills will be passed under protest Early action may kindly be taken in the matter and separate bills for Mysore and Mysore south expedited early

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Copy

for Municipal Commissioner

SNI

Appendix I G —1]

SUBJECT

Diary No of letter replied to

Publicity Office

( )

the 194

Date of issue

Signed by

1) G o no R S 342-44/Rv F 249 G 25-26 dated 12 8 1925

2) G o no R S 781 83/Rv F 30-0 L 26 27 dated 3 11- 1926

3) G o no L 1753 s/ml353 29 2 dated 1-9 30

4) no 426-43/RyF 80-4-38-39 dated 8-8 1938

List of enclo sures

Copied by

Examined by

Section

File No

Serial No ~~C.H.S.-52-6~~

No 3758/19 7 8/

To

The General Manager
Southern Railways
Mysore

Sir

I am directed to Request you to be good enough to ~~Furnish~~ Send Copies of the G o s noted on the margin as they are Required urgently for Reference in Connection with Certain proposals Received from the Conservator Mysore Circle relg to Regard to the Recovery of Cess due on the Railways Undertakings at Mysore

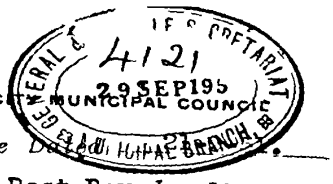
Yours faithfully

for I S G Secy

Mysore
Copy to the Conservator Mysore circle relg for information

for I S G Secy

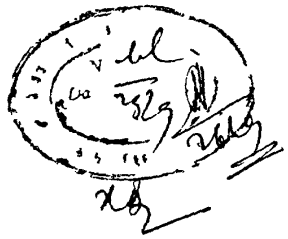
C2 P 248
No
Ends 3152 Enclose



From

THE MUNICIPAL COMMISSIONER
CITY MUNICIPAL COUNCIL
MYSORE

Post Box No 17



To

The Secretary to Government,
L S G Department, Bangalore

(Through the President)

Sir, CH84-52 5

Subject - Exemption from payment of Municipal taxes after 1-4-51 in respect of Railway Buildings

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In enclosing a copy of the memo dated 7-6-51 received from the District Engineer, Mysore, to the effect that the taxes claimed subsequent to 1-4-50 should not be entertained so far as the - Ex Mysore State Railway Departments are concerned, pending direction from the Railway Board, I write to state that according to the Proviso of Section 64 of the Mysore City Municipalities Act 1933 " No tax imposed other than a Special Sanitary Cess or Water rate shall without the express sanction of Government, be leviable in respect of any building or part of a building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit". The Railways are a commercial organisation and though ~~minutes~~ used solely for public purposes ~~and~~ it derives profit This fact obviously renders inapplicable the provision for exemption made in Proviso to Section 64 Mysore City Municipalities Act

Taxes were being paid by the Mysore Railways Department, on this account before Mysore State Railways were integrated with the Southern Railways The annual payment in respect of Railway Buildings is Rs 15,094-9-8 and the amount due from the Railways up to the end of 50-51 is Rs 55,800-14-10 Payment of a total sum

sum of Ps 46,666-5-9 has however been received including Rs 33,654-1-6 received on 17-9-51 leaving a balance of - Rs 9,134-9-1 out of the demand up to end of 31-3-1951 But it may be noted that payment since April 1950 are sought to be treated as provisional

The attempt made to claim exemption from taxation involves a very serious loss to the Municipality which has to cater to the provision of amenities of light, water, sanitation maintenance of roads and other facilities as they are the obligatory duties of the Council and a considerable amount is being spent for these purposes every year

In the circumstances I request that Government may be pleased to address the Railways suitably not to press their claim for exemption which is not tenable

Yours faithfully,

Municipal Commissioner

Forwarded with Compliments,

22/9/51

President

PSK

7-6-1951

Municipal Taxation.

With the applicability of the Indian Railways Act of ~~1st~~ 1890 to the Mysore State Railway with effect from 1-4-50, this Administration is not liable to pay any taxes in aid of the funds of any local authority from that date, as buildings belonging to Government of India are exempt from any taxation

Any taxes so claimed by any local body should therefore be not entertained, so far as the Ex-Mysore State Railway portion is concerned pending a directive from the Railway Board.

Suitable instructions in this behalf may kindly be issued to the Officers concerned under advice to this office

Please acknowledge

Sd
For GM/MYS

No A/102/M is Dated 10-7-51
Copy to all Municipalities for information

Sd
District Engineer,
Mysore

Copy

M. Swamy Rao
Municipal Commissioner
29/51

PSK